

Annie, Peter,
see email for
edited versions.

Get Docket # from
Jo Jiles
- Confirm if I should
include Penalty Matrix
Table

Julie: Thx ^{8/20} Peter
↓ C

- ① Attachment explaining penalty - any comments?
- ② Do you care about any R10 particular format for CAFo?
- ③ Any other thoughts?



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-082

Draft

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mark Rozak
Soldotna Y Chevron
44024 Sterling Highway
Soldotna, Alaska 99669

Re: Underground Storage Tank (UST) Compliance Inspection of Soldotna Y Chevron, 44024 Sterling Highway, Soldotna, Alaska 99669, EPA UST ID AK518: Opportunity for Expedited Settlement within 30 Days

Dear Mr. Rozak:

I. Notice of Investigation Results

On June 16, 2014, your facility was inspected by Ben Horwitz on behalf of the U.S. Environmental Protection Agency (EPA) to determine your facility's compliance with UST requirements under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6991 *et seq.*) and its implementing regulations (40 C.F.R. part 280). Based on that inspection, the EPA finds your facility to be in violation of the following requirements:

- A. Failure to monitor one used oil tank at least every 30 days as required by 40 C.F.R. § 280.41(a) for one UST system from at least July 1, 2013 through June 16, 2014.
- B. Failure to retain every record for release detection monitoring as required by 40 C.F.R. § 280.45 for July 2013, November 2013, January 2014, and February 2014 for tanks 1-4 and September and October 2013 for tank 4 only.
- C. Failure to provide any release detection for underground piping (no automatic line leak detector test, and no annual line tightness test or monthly release detection monitoring) as required by 40 C.F.R. § 280.44 for lines 2-4.
- D. Failure to equip pressurized piping with an automatic line leak detector as required by 40 C.F.R. § 280.41(b)(1)(i) for line 4.

If you believe you are not in violation of these UST requirements, you may provide a written explanation, along with any supporting documentation to Anne Christopher at the EPA address shown below within 30 days of your receipt of this letter.

II. Opportunity for Expedited Settlement

Under RCRA § 9006(d), the EPA may pursue civil penalties of up to \$16,000 per day (as adjusted for inflation) for each violation of UST requirements, including, where applicable, violations of approved and authorized state program requirements. **However, the EPA is offering you an opportunity to**

settle this matter quickly and at a reduced penalty if you choose to follow the expedited settlement procedures outlined below within 30 days of your receipt of this letter. This settlement process is optional. You are not required to submit this form. If you do not submit this form, the EPA will conclude you are not interested in pursuing expedited settlement. The EPA will then consider other actions to resolve these violations including the possibility of formal (*i.e.*, non-expedited) administrative or judicial enforcement.

If you choose to participate in this expedited settlement process, and the EPA determines you have satisfied the requirements for expedited settlement described below, the EPA will settle the outstanding violations for \$ 10,390.

III. Procedure for Expedited Settlement

To take advantage of the expedited settlement process, within 30 days of your receipt of this letter you must:

- A. Correct the violations identified above in this form. This means you must correct all past violations that can be corrected and ensure your USTs are in full compliance with the provisions that were identified as violated in Section I above. (Note: Some UST violations cannot be "corrected" because they require performance by, or within, a certain date or timeframe in the past.¹ For example, an owner/operator cannot correct a failure to monitor tanks every 30 days for releases (40 C.F.R. § 280.41(a)) once those 30-day terms have expired. However, those violations can be remedied in this ESA if an owner/operator demonstrates steps were taken to prevent a reoccurrence in the future.) This return to compliance along with the costs of returning to compliance must be documented by the owner/operator.
- B. Provide a deposit for payment of the assessed penalty of \$10,390 as described below.
 - Provide a check or money order for payment sent by mail to: U.S. Environmental Protection Agency, P.O. Box 979077, St. Louis, MO 63197-9000.
 - Provide a check or money order for payment sent by overnight/common carriers (*i.e.*, FedEx, DHL, UPS) to: U.S. Environmental Protection Agency, Government Lockbox 979077, 1005 Convention Plaza SL-MO-C2-GL, St. Louis, MO 63101.
 - Electronic deposits for payment (Vendor Express, Fedwire, Pay.gov) can also be made following these online directions:
<http://www2.epa.gov/financial/makepayment>.

To ensure proper credit, include the following information with your deposit for payment.²

1. The docket number as listed on the UST ESA. (For checks, money orders, and other

¹ If an owner/operator is unsure if a violation is correctable, he or she should consult with the EPA compliance officer assigned to this case.

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non-electronic deposits, the document number should be written on the deposit instrument.);

2. Respondent's name and address (as it appears in UST ESA documents);
 3. Respondent's point of contact (name and phone number);
 4. EPA contact name and phone number; and
 5. Reason for deposit.
- C. Complete and return to the EPA the enclosed Expedited Settlement Agreement and Final Order ("ESA" or "Agreement). When returning the signed ESA to the EPA, you must also include:
1. Documentation demonstrating that your facility is now in compliance with UST requirements that were alleged to be violated;
 2. Proof of deposit for penalty payment (*e.g.*, copy of the check, a statement of affirmation or receipt of an electronic funds transfer); and
 3. An estimate of the cost of returning to compliance.

Your signed ESA and attached documentation should be sent certified mail, return receipt requested, to:

Anne Christopher
1200 Sixth Avenue, Suite 900, OCE-082
Seattle, Washington 98101

Extensions: The EPA, at its discretion, may grant an extension of up to 30 days if you can demonstrate that it is not feasible for you to come into compliance within the initial 30-day time period. You must request that extension in writing before the initial 30-day time period expires. That written request must explain why compliance within 30 days is not feasible and it must contain a schedule for when you will come into compliance (which must not extend beyond the extension period).

Settlement Agreement Certification: By signing the ESA, you are certifying under penalty of law that you corrected the violations, submitted true and accurate documentation of compliance, provided a deposit to pay the penalty, and that you release to the EPA your deposit for payment upon entry of the Agreement. Failure to meet those conditions means you may be liable for the original violations as well as liable for making a false representation to the U.S. Government.³ By signing the ESA, you agree to waive your opportunity for a hearing or appeal concerning your violations.

By copy of this letter, the EPA is providing the Alaska Department of Environmental Conservation with notice of the UST violations listed above. For your information, the EPA's fact sheet with details

³ Under 18 U.S.C. § 1001, it is a federal crime to make materially false, fictitious, or fraudulent statements or representations to the U.S. Government.

on small business resources and compliance is included with this package.

We are committed to the fair and rapid settlement of this matter. If you have any questions, or wish to discuss the general circumstances of your case, please contact the Compliance Officer assigned to your case, Anne Christopher at Christopher.anne@epa.gov.

Sincerely,

Peter Contreras
Unit Manager

cc: Larry Brinkerhoff, Alaska Department of Environmental Conservation

Enclosures

Expedited Settlement Agreement
Standard Penalty Checklist Information for Small Businesses

If we decide to
include the ~~Penalty~~
Just. Memo, add it
to list of Enclosures

Include the 7/23/14
Penalty Guidance for
ESAs for UST
Enforcement too?

The template does
not say to attach the
Penalty Memo, but we
can decide what we
want to do.

Do we need to list
an attorney?
Take Chris off?
(OECA Weekly Report)



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